

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 010899C]

#### Marine Mammals; Scientific Research Permit (PHF393-1480-00)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of Permit.

**SUMMARY:** Notice is hereby given that Ms. Deborah A. Glockner-Ferrari, 39 Woodvine Court, Covington, LA 70433, has been issued a permit to take North Pacific humpback whales (*Megaptera novaeangliae*), bottlenose dolphins (*Tursiops truncatus*), Hawaiian spinner dolphins (*Stenella longirostris*), spotted dolphins (*Stenella attenuata*), false killer whales (*Pseudorca crassidens*), and pilot whales (*Globicephala macrorhynchus*) for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213 (562/980-4001); and

Protected Species Program Manager, Pacific Islands Area Office, 2570 Dole Street, Room 106, Honolulu, HI 9682-2396 (808/973-2987).

**FOR FURTHER INFORMATION CONTACT:** Jeannie Drevenak, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On December 4, 1998, notice was published in the Federal Register (63 FR 67045) that a request for a scientific research permit to take the above-references species had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations

Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 217-227).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 19, 1999.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 99-1]

### Cadet Manufacturing Company; Complaint

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of a complaint under the Consumer Product Safety Act.

**SUMMARY:** Under provisions of its Rules of Practice for Adjudicative Proceeding (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Published below is a Complaint in the matter of Cadet Manufacturing Company.

**SUPPLEMENTARY INFORMATION:** The text of the Complaint appears below.

Dated: January 21, 1999.

**Sadye E. Dunn,**

*Secretary.*

In the Matter of Cadet Manufacturing Company, 2500 W. Fourth Plain Boulevard, Vancouver, Washington 98660, a Domestic Corporation.

## COMPLAINT

### Nature of Proceedings

1. This is an administrative enforcement proceeding pursuant to section 15 of the Consumer Product Safety Act ("CPSA"), as amended, 15 U.S.C. 2064, for public notification and remedial action to protect the public from substantial risks of injury presented by certain electric in-wall heaters manufactured by Cadet

Manufacturing Company of Vancouver, Washington. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR Part 1025.

## Jurisdiction

2. This proceeding is instituted pursuant to the authority contained in sections 15(c), (d), and (f) of the CPSA, 15 U.S.C. 2064(c), (d), and (f).

## Parties

3. Complaint Counsel is the staff of the Legal Division, Office of Compliance, Consumer Product Safety Commission, an independent federal regulatory commission established pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

4. Respondent Cadet Manufacturing Company ("Cadet") is a domestic corporation last organized and existing under the laws of the State of Washington, since 1993, with its principal place of business located at 2500 W. Fourth Plain Boulevard, Vancouver, Washington 98660.

5. Cadet manufactures electric heaters for use in or around a permanent or temporary household or residence; and is, therefore, a "manufacturer" of "consumer product[s]," as those terms are defined in sections 3(a) (1) and (4) of the CPSA, 15 U.S.C. 2052(a) (1) and (4).

## Consumer Products

6. Since 1978, Cadet has manufactured and distributed in commerce electric in-wall heaters for use in homes and residences under the brand names "Cadet" and "Encore," all models and variants within each model of the series FW (models FW-051, FW-101, FW-122, FW-202, FW-202, and FW-751), manufactured between 1978 and 1989; series FX (Models FX-051, FX-052, FX-071, FX-072, FX-101, FX-102, FX-151, FX-122, FX-152, FX-202, and FX-242), manufactured between 1984 and 1995; series LX (models LX-242, LX-242, LX-302, LX-302, LX-402, LX-402, and LX-482), manufactured between 1984 and 1995; series TK (models TK-051, TK-071, TK-072, TK-101, TK-102, TK-151, and TK-152), manufactured between 1986 and 1998; series ZA (models ZA-051, ZA-052, ZA-071, ZA-072, ZA-101, ZA-102, ZA-122, ZA-151, ZA-152, ZA-202, ZA-242, manufactured between 1984 and 1995); first generation series Z (models Z-072, Z-101, Z-102, Z-152, Z-202, and Z-208), manufactured between 1993 and 1997; and/or all series and models of the same or functionally identical heaters